

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

MICHAEL BURWASSER

Plaintiff,

V.

CIVIL ACTION NO.

MANN BRACKEN, LLC

Defendant.

JULY 17, 2008

COMPLAINT

I. INTRODUCTION

1. This is an action for actual and statutory damages brought by Plaintiff Michael Burwasser , as individual consumer, against Defendant Mann Bracken for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. (hereinafter “FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

II. JURISDICTION

2. Jurisdiction of this court arises under 15 U.S.C. § 1692k (d) and 28 U.S.C. § 1337. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202. Venue in this District is proper in that the defendant transacts business here and the conduct complained of occurred here.

III. PARTIES

3. Plaintiff Michael Burwasser is a natural person residing in the City of Pikesville, Baltimore County and the State of Maryland.

4. Defendant Mann Bracken is a foreign corporation engaged in the business of collecting debt in this State with a place of business located at One Paces West, Ste 1400, 2727 Paces Ferry Road, Atlanta, Georgia, 30339, and is authorized to do business in Maryland. The principal purpose of Defendant's business is the collection of debts and defendant regularly attempts to collect debts alleged to be due another.

5. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant regularly attempt to collect consumer debts alleged to be due to another. Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C. § 1692a(6).

IV. FACTUAL ALLEGATIONS

6. In the month of March 2008 Defendant made excessive calls to the home and phone of Plaintiff in an attempt to locate Plaintiff Burwasser.

7. During a 1 week period in March 2008, Defendant left more than 1 voice mail message per day on the main telephone line of Plaintiff's house, disregarding the prohibition of excessive communication in connection with the collection of debt.

8. Defendant failed to provide notice as required pursuant to §1692e (11) in the voice mail messages left for the plaintiff on Michael Burwasser's voicemail machine.

9. As a result of the acts alleged above, Plaintiff has been damaged.

V. CLAIM FOR RELIEF

10. Plaintiff repeats and re-alleges and incorporates by reference to the foregoing paragraphs.

11. In the collection efforts, the defendant violated the FDCPA, inter alia, section §1692 e(11).

12. As a result of the foregoing violations of the FDCPA, Defendant is liable to the Plaintiff Michael Burwasser for declaratory judgment that Defendant's conduct violated the FDCPA, actual damages, statutory damages, and costs and attorney's fees.

WHEREFORE, Plaintiff Burwasser respectfully requests that judgment is entered against defendant for the following:

- A. Declaratory judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages;
- C. Statutory damages pursuant to 15 U.S.C. § 1692k;
- D. Costs and reasonable attorney's fees pursuant to 15 US. 1692k (3).
- E. For such other and further relief as the Court may deem just and proper.

THE PLAINTIFF

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